

• VISAS WITHOUT PETITIONS

Other nonimmigrant visa categories allow a person to work in the U.S., but no petition is required. For example:

- **A Visa** - Diplomats;
- **E Visa** - Treaty traders and investors;
- **G Visa** - Employees of international organizations;
- **I Visa** - Representatives of the media or journalists;
- **J Visa** - Exchange visitors. The exchange visitor program brings people to work as research scholars, professors and teachers, and in other areas, such as au pairs. A form DS-2019 issued by the program sponsor is required;
- **R Visas** - Religious workers. Please note that a petition is required for an extension of stay or change of status;

■ **The B-1 Visitor Visa for Business:**

You can use a B-1 visitor visa for a variety of business-related activities. People who have B-1 visas may not, in general, get salaries or money from U.S. sources. The following are examples of lawful B-1 activities: attending a scientific, educational, professional or business convention, conference or seminar; giving a lecture; doing independent research at a scientific or educational institution; participating in a voluntary service program; and, participating in a sporting event.

• FOR MORE INFORMATION:

Additional information about the nonimmigrant visa application process, including links to all required forms, is available at the Embassy website at:

<http://poland.usembassy.gov/poland/consular.html>.

General visa information is also available at the Department of State website:

http://unitedstatesvisas.gov/business_temp.html.



Consular Section
American Embassy Warsaw
Ul. Piekna 12, 00-540 Warsaw
Phone (48) (22) 504-2000
Fax (48) (22) 504-2532

Embassy Website: <http://poland.usembassy.gov>
Email: h2bwarsaw@state.gov
U.S. Website: travel.state.gov

May 2004

HOW TO WORK ILLEGALLY IN THE UNITED STATES

Nonimmigrant Visa Information



U.S. Embassy Warsaw, Poland

HOW TO WORK LEGALLY IN THE UNITED STATES

Each year hundreds of thousands of Poles travel to the United States. Of those, tens of thousands travel for business and temporary work. We welcome the international exchange of commerce, the contribution by temporary workers to our society, and cultural, educational and training programs in the United States. Some nonimmigrant visa categories allow a person to work in the U.S. for a limited period of time. It is important that applicants apply for a visa in the appropriate category.



• VISA CATEGORIES THAT REQUIRE PETITIONS

For the following work visa categories, the United States Citizenship and Immigration Services in the Department of Homeland Security (USCIS) must first approve work petitions:

■ **L Visa** - Employees in intra-company transfers. The L classification applies to intercompany transferees who, within the three preceding years, have been employed abroad continuously for one year (or six months with a blanket petition) and will be employed by a branch, parent, affiliate, or subsidiary of that same employer in the U.S. in a managerial, executive, or specialized knowledge capacity.

■ **H Visa** - Temporary workers:

■ **H-1B** - This type of visa applies to people in specialty occupations, which require the application of a body of highly specialized knowledge. This classification requires a labor attestation issued by the Secretary of Labor. H-1B visas are limited to 65,000 annually. Once this limit has been reached, petitions are not accepted.

■ **H-2A** - This classification applies to temporary or seasonal agricultural workers. H-2A visas are not limited in number, but do require a labor certification petition. Employers are required to apply for H-2A certification at least 45 days in advance of the estimated date of need.

■ **H-2B** - H-2B visas are for temporary or seasonal nonagricultural workers. This classification requires a temporary labor certification issued by the Secretary of Labor and is limited to 66,000 visas annually.

■ **O Visa** - Workers with extraordinary abilities. The O-1 classification applies to persons who have extraordinary ability in the sciences, arts, education, business, or athletics, or extraordinary achievements in the motion picture and television fields.

■ **P Visa** - Athletes and entertainers. P visas are limited to 25,000 annually. The P-1 classification applies to individual or team athletes, or members of an internationally recognized entertainment group. The P-2 classification applies to artists or entertainers who will perform under a reciprocal exchange program. P-3 visas are for artists or entertainers who perform in a culturally unique program.

■ **Q Visa** - International cultural exchange visitors. The Q-1 classification applies to participants in an international cultural exchange program for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the applicant's home country.



• HOW TO FILE A PETITION

In order to be considered as a nonimmigrant under any of the classifications requiring a petition, the applicant's prospective employer or agent in the U.S. must file Form I-129, Petition for Nonimmigrant Worker, with the United States Citizenship and Immigration Services in the Department of Homeland Security (USCIS). Once approved, the employer or agent is sent a notice of approval, Form I-797. The approval of a petition does not guarantee visa issuance to an applicant found to be ineligible under any of the provisions of the Immigration and Nationality Act.

